

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 326

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZWATER.

1198L.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 566.093, RSMo, and to enact in lieu thereof one new section relating to the crime of sexual misconduct in the second degree, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 566.093, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 566.093, to read as follows:

566.093. 1. A person commits the crime of sexual misconduct in the second degree if such person:

(1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;

(2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or

(3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

2. Sexual misconduct in the second degree is a class B misdemeanor unless the actor has previously been convicted of an offense under this chapter, in which case it is a class A misdemeanor.

3. If such crime is committed by a person while incarcerated within a facility in the department of corrections system, it is a class D felony.

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EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.